

United States District Court

Eastern District of Tennessee

UNITED STATES OF AMERICA
v.
HEATHER R. WHALEY

JUDGMENT IN A CRIMINAL CASE 3
(For Offenses Committed On or After November 1, 1987)

Case Number: 3:07-PO-54

JONATHAN MOFFATT
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s): 1 (TE41 0858764)
☐ pleaded nolo contendere to count(s) ___ which was accepted by the court.
☐ was found guilty on count(s) ___ after a plea of not guilty.

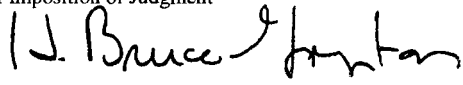
ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
36 CFR 4.23(a)(1,2)	DUI	4/20/07	1

The defendant is sentenced as provided in pages 2 through 4 of this judgment and the Statement of Reasons. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and 18 U.S.C. §3553.

- ☐ The defendant has been found not guilty on count(s) ____.
- ☐ Count(s) ____ ☐ is ☐ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and the United States attorney of any material change in the defendant's economic circumstances.

OCTOBER 10, 2007
Date of Imposition of Judgment

Signature of Judicial Officer

H. BRUCE GUYTON, United States Magistrate Judge
Name & Title of Judicial Officer

10/15/07
Date

DEFENDANT: HEATHER R. WHALEY
CASE NUMBER: 3:07-PO-54

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 48 hours with credit for time served.

☒ The court makes the following recommendations to the Bureau of Prisons:

The defendant be allowed to serve her sentence on a Monday.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ___ ☐ a.m. ☐ p.m. on ___.

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _.

☒ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: HEATHER R. WHALEY
CASE NUMBER: 3:07-PO-54

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 6. The assessment is ordered in accordance with 18 U.S.C. § 3013.

	<u>Assessment</u>	<u>Fine</u>	<u>Processing Fee</u>
Totals:	\$ 10.00	\$ 350.00	\$ 25.00

- ☐ The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, if the United States is a victim, all other victims, if any, shall receive full restitution before the United States receives any restitution, and all restitution shall be paid to the victims before any restitution is paid to a provider of compensation, pursuant to 18 U.S.C. §3664.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
TOTALS:	\$ _	\$ _	

- ☐ If applicable, restitution amount ordered pursuant to plea agreement \$ _

The defendant shall pay interest on any fine or restitution of more than \$2500, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

- ☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ The interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ The interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

DEFENDANT: HEATHER R. WHALEY
CASE NUMBER: 3:07-PO-54

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 385.00 due immediately, balance due
 ☒ not later than 1/23/08, or
 ☐ in accordance with ☐ C, ☐ D, or ☐ E or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in ____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _ over a period of _ (e.g., months or years), to commence _ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in ____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _ over a period of _ (e.g., months or years), to commence _ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within 0 (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. Unless otherwise directed by the court, the probation officer, or the United States attorney, all criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, shall be made to _____. Payments shall be in the form of a check or a money order, made payable to U.S. District Court, with a notation of the case number including defendant number.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

V

NO. _____

Heather B. Whaley
941 Jamesena Miller
Pigeon Forge TN 37863
865-257-~~3116~~ 5523
(Phone)

AGREEMENT TO PAY FINES IN INSTALLMENTS

I have requested that I be allowed to pay my fines of \$ 385.00 . To pay \$80.00 today. To pay \$305.00 by Jan 23, 2008 .

1. I represent that I currently have the financial ability to make these installment payments on the date each is due;
2. If I do not have the entire fine paid (including costs) when due, then my failure to pay may result in garnishment of my income tax return and/or suspension of my drivers license.

TODAY'S DATE: October 9, 2007

Heather Whaley
(Defendant Signature)

(Defendant's Attorney Signature)

K3006259

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FILED

2007 JUL 12 P 1:04

UNITED STATES OF AMERICA)

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TE41 0858764

V.)

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)

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HEATHER R. WHALEY)

U.S. DISTRICT COURT
EASTERN DISTRICT OF TENN.

BY _____

ORDER OF APPOINTMENT OF COUNSEL

The Court finds that defendant, **HEATHER R. WHALEY**, does not have the funds to retain an attorney of her choice and that the defendant wants to be represented by counsel.

Accordingly, it is **ORDERED** the following counsel will be appointed to represent the defendant:

JONATHAN MOFFATT
Federal Defender Services of Eastern Tennessee, Inc.
530 South Gay Street, Suite 900
Knoxville, TN 37902

Defendant, Whaley, will enter plea of guilty to P41 (No. 0858764). Sentence to 48 hrs in jail less credit for time served. Fine \$350.00 plus \$25.00 PF and \$10.00 SA

*(\$385)
request served to
him on a
Monday*

*pay by
Jan 23rd*

United States District Court Violation Notice

CVB Location Code

TE 41

Violation Number	0858764	Officer Name (Print)	Sehn	Officer No	312	0858764
YOU ARE CHARGED WITH THE FOLLOWING VIOLATION						
Date and Time of Offense (mm/dd/yyyy)	4/20/07	1703	36 CFR 4.23(a)(1,2)	0858764		
Place of Offense	North beyond spur 441 1/2 mile South of Pigeon Forge 4700					
Offense Description	DUI BAC > .08%					

27.00-00

DEFENDANT INFORMATION				Phone ()	865 1257 3146
Last Name	Whaley	First Name	Heather	M.I.	R
Street Address	941 Jamesna Miller Dr				
City	Pigeon Forge	State	TN	Zip Code	37876
Drivers License No	088497945	D.L. State	TN	Social Security No	409-33-6184
Adult <input type="checkbox"/> Juvenile <input type="checkbox"/>	Sex <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	Hair	Brn	Eyes	Brn
Height	60	Weight	185		
VEHICLE DESCRIPTION VIN					
Tag No	2H7 FCZ	State	TN	Year	97
Make/Model	Pon	Color	Red		
<p>A <input checked="" type="checkbox"/> IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT SEE INSTRUCTIONS (on back of yellow copy)</p> <p>B <input type="checkbox"/> IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT SEE INSTRUCTIONS (on back of yellow copy)</p> <p>Forfeiture Amount \$</p> <p>+ \$25 Processing Fee</p> <p>Total Collateral Due \$</p>					
<p>PAY THIS AMOUNT →</p> <p>YOUR COURT DATE</p> <p>(If no court appearance date is shown you will be notified of your appearance date by mail)</p> <p>Court Address</p> <p>Date (mm/dd/yyyy)</p> <p>Time (hh mm)</p>					

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or pay the total collateral due.

X Defendant Signature

Heather Whaley

STATEMENT OF PROBABLE CAUSE (For issuance of an arrest warrant or summons)

I state that on April 20, 2007 while exercising my duties as a law enforcement officer in the Eastern District of Tennessee while investigating an MVA within the Great Smoky Mountains National Park I spoke with the driver who admitted to being Heather Whaley by her TRO. Whaley had a strong smell of alcoholic beverage on her breath.

Whaley

- Requests rest
- Def requests attorney
- Financial affidavit completed

Done 4/21/07

United States District Court

EASTERN

DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA

V.

Heather R. Whaley

Defendant

APPEARANCE BOND

CASE NUMBER: 071505
UNO 85 8764

OR

Non-surety: I, the undersigned defendant acknowledge that I and my...

personal representatives, jointly and severally, are bound to pay to the United States of America the sum of
\$ 500.00.

The conditions of this bond are that the defendant

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

IN RETURN FOR MY RELEASE ON THIS BOND, I HEREBY WAIVE (GIVE UP) MY RIGHT TO BE TAKEN BEFORE A JUDICIAL OFFICER REASONABLY PROMPTLY AND TO HAVE THAT JUDICIAL OFFICER ADVISE ME OF MY RIGHTS AND SET A BOND. I AGREE TO APPEAR IN COURT WHEN NOTIFIED TO DO SO AND I UNDERSTAND THAT AN ARREST WARRANT MAY ISSUE FOR ME IF I FAIL TO APPEAR.

THIS BOND IS SIGNED ON 4/20/07

date

AT Sevier County Jail

place

Defendant's Signature

Heather R. Whaley

Address

941 James M. Miller Dr.

Witness

Pigeon Forge TN 37876

Phone

865-257-3146

APPROVED BY JUDGE

[Signature]